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Attorney for Debtor

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEVADA

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IN RE:
KIMBERLY DAVIS-CLEMENT
BRICE CLEMENT (deceased)

Case No. BK-N-10-50742-GWZ
(Chapter 13)

MOTION TO MODIFY
CONFIRMED CHAPTER 13 PLAN
Hearing Date: 9-27-13
Hearing Time: 2:00 p.m.
Time Required: 5 Minutes

Debtors.

COMES NOW Debtor, by and through counsel, SEAN P. PATTERSON, Esq. and applies to this Court for a post-confirmation modification of her chapter 13 Plan, pursuant to 11 U.S.C. §1329, for reasons more fully set forth below.

POINTS AND AUTHORITIES

This case was filed on or about March 9, 2010. The plan was filed on the same date. The case was filed to allow the debtors to reorganize her unsecured debt and resolve some mortgage arrears on their residence. The plan was confirmed on July 22, 2010.

Mr. Clement passed away. As a result, Miss Clement is the only source of income. She did get some small Social Security death benefit and life insurance. However, her budget changed dramatically. Miss Clement's amended Schedules "I" and "J" were filed prior to this motion.

Section 1329 allows for post-confirmation modification, for good cause shown, for a period of a maximum of five (5) years from the time the first payment under the original plan was due. Counsel requests of this Court that the Plan be modified as follows: The debtor is surrendering her residence. The stay shall lift upon court approval of this motion. Wells Fargo shall be able to sell the property and file an unsecured nonpriority claim for any potential deficiency balance. This debt shall be discharged in this case. In addition, the debtor is surrendering the Harley Davidson back to Freedom Financial and the 2004 Sportsman 5th Wheel Trailer to United Federal C.U. The parties shall make arrangements to return the collateral to the creditors.


Beginning in August, 2013, the plan payment shall decrease to \$285.00 per month for 7 months. Beginning in March, 2014, the payment shall increase to \$415.00 per month for the remaining 12 months.

The debtors shall not turnover any tax refunds for the life of the plan. Counsel requests attorneys fees of \$300.00 for this motion.

RESPECTFULLY SUBMITTED this 13th day of August, 2013.


SEAN P. PATTERSON, Esq.

Read and Approved by:


KIMBERLY R. DAVIS-CLEMENT

DECLARATION IN SUPPORT OF FEES

1. I am the attorney in the above-referenced matter.

2. I am duly licensed as an attorney by the State of Nevada.

3. I have prepared the above motion and state under penalty of perjury that the representations of the facts are true and correct to the best of my knowledge.

4. My hourly rate for this case is \$250.00. It is anticipated that I will spend 2 hours in total working on this motion. This time includes, but is not limited to: discussing the case with the client, amending the petition, discussing the case with client, amending the schedules, drafting the motion to modify, drafting the Notice of Motion, setting the hearing for calendar, court time, reviewing the Trustee's objection, and reviewing the order to amend the plan.

Dated this 13 day of August, 2013.


SEAN P. PATTERSON, Esq.